



California Regional Water Quality Control Board

Santa Ana Region



Winston H. Hickox
Secretary for
Environmental
Protection

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Gray Davis
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October 7, 2002

Mr. James Souza, President
Pyro Spectaculars by Souza
P.O. Box 2329
Rialto, CA 92377

DIRECTIVE TO SUBMIT A WORK PLAN AND CONDUCT PERCHLORATE INVESTIGATION IN THE VICINITY OF THE PYRO SPECTACULARS FACILITY, 3196 NORTH LOCUST AVENUE, CITY OF RIALTO, SAN BERNARDINO COUNTY, CALIFORNIA

Dear Mr. Souza:

As you are probably aware, perchlorate has been detected in municipal water supply wells in the Rialto, Colton and Chino Groundwater Subbasins. These water supply wells are located downgradient of the Pyro Spectaculars by Souza (hereinafter Pyro Spectaculars) facility. Information that local businesses provided to us in response to subpoenas indicates that Pyro Spectaculars and several other pyrotechnic companies have used and stored products containing perchlorate salts at the Rialto facilities that are currently occupied by Pyro Spectaculars. Pyro Spectaculars also used several bunkers in North Rialto to store fireworks and chemicals. This letter sets forth a requirement under California Water Code Section 13267 that Pyro Spectaculars conduct an investigation to define the lateral and vertical extent of perchlorate in soil and groundwater in the vicinity of the Pyro Spectaculars facility and the former bunker area in North Rialto. As required by that provision, this letter contains an explanation of the need for the investigation, and cites evidence supporting the requirement.

Background

Perchlorate contamination was first detected in groundwater in the Rialto, Colton and Chino Subbasins in 1997. At that time, the California Department of Health Services (DHS) Action Level (AL) for perchlorate in drinking water was 18 parts per billion (ppb). Two wells had perchlorate levels exceeding 18 ppb and were shut down. In January 2002, the DHS lowered the AL to 4 ppb. In response to the reduced AL for perchlorate, the local water purveyors in the Rialto, Colton and Chino Groundwater Subbasins restricted or eliminated the use of additional production wells with perchlorate concentrations that exceeded 4 ppb. Between 1997 and the present, various suspected perchlorate dischargers, including Pyro Spectaculars, have been identified.

Requirement for an Investigation

The Regional Board has directed staff to issue individual letters under California Water Code Section 13267 to suspected perchlorate dischargers. The Board also expressed a strong desire

California Environmental Protection Agency



that suspected perchlorate dischargers work with the local water purveyors to provide a supply of replacement water during the loss or limited use of their production wells.

The Need for the Investigation

The Santa Ana Regional Water Quality Control Board is charged with the protection of water quality in this Region. We have been working actively with the water purveyors for several years to identify the extent and address the impact of perchlorate contamination on water resources in the Rialto, Colton and Chino Groundwater Subbasins. The water purveyors whose wells have been contaminated with perchlorate now face a state of emergency, and may not be able to provide an adequate water supply to their customers. It is urgent that the sources of the contamination be identified, and the magnitude of the perchlorate plume defined.

Evidence Supporting the Need for the Investigation

Enclosed as attachments are the following documents:

1. Attachment 1 – Well Location Map, showing perchlorate contamination in municipal water supply wells.
2. Attachment 2 – Phase I Environmental Site Assessment – Current Property Use, May 11, 2001, including photos of Pyro Spectaculars' storage bunker at 3196 North Locust Avenue, and a Plot Plan, showing existing waste disposal pit (document obtained from APE – West in response to subpoena).
3. Attachment 3 – Minutes from a November 12, 1987 meeting held by the Rialto Fire Department, in which the owners, contents, and usage of the former storage bunkers that were located North Rialto are described (document obtained from American Promotional Events, Inc., - West in response to subpoena).
4. Attachment 4 – Plot Plan showing the former configuration of the storage bunkers, and list of tenants and lessors using the bunkers.
5. Attachment 5 – Excerpt from "Pyro Spectaculars by Souza" internet site, indicating the Souza family history of fireworks storage, handling, and manufacturing at the Rialto facility.
6. Attachment 6 – Business records documenting the use and disposal of perchlorate by Pyro Spectaculars (and its corporate divisions).

The evidence indicates that from the early 1970s to 1979, the Souza family handled, stored, and manufactured fireworks at the Rialto site in partnership with California Fireworks Display Company (a fireworks manufacturer). Since 1979, Pyro Spectaculars has handled and stored fireworks, containing perchlorate salts, at the Rialto site. An unlined waste disposal pit is shown on the site plot plan dated May 2001 (see Attachment 2). In addition, City of Rialto records indicate that on-site disposal systems have been used at the site since it was first occupied for industrial use. Disposal of waste in unlined pits and septic systems may also have occurred during site occupancy by corporate predecessors related to Pyro Spectaculars. Pyro Spectaculars also used the former storage bunkers in North Rialto to store fireworks and chemicals. Perchlorate has been detected in groundwater downgradient of the Pyro Spectaculars facility and the former bunker area. Based on the evidence, Pyro Spectaculars is suspected of having discharged perchlorate waste that has adversely affected water quality. This evidence supports the requirement for an investigation, as defined in Section 13267(b)(1) of the California Water Code.



Deadlines

1. A work plan for soil and groundwater investigation for perchlorate in the vicinity of the Pyro Spectaculars facility and the former storage bunkers must be submitted to Board staff by November 7, 2002. The work plan will be subject to my approval.
2. The investigation must commence within 30 days of approval.
3. All analytical results, groundwater measurements, and field information are to be submitted by fax to Board staff within 24 hours of being generated, throughout all stages of work, and during all phases of the investigation. The office fax number to be used for your data transmittals is (909) 781-6288.
4. The final report for this soil and groundwater investigation, including (at a minimum) the borehole logs, well construction details, groundwater elevation data, and soil and groundwater analytical results, must be submitted to Board staff within 30 days of completing the field work.

Failure to submit the required information by the specified deadline may subject you to administrative civil liability in the amount of up to \$1,000 per day pursuant to Section 13268(a) and (b) of the California Water Code.

Finally, please be aware that the Board has directed staff to explore alternative ways of solving the water supply problem in the Rialto, Colton and Chino Groundwater Subbasins. In addition, consistent with the Board's direction, we will be issuing similar directives to a number of other suspected dischargers who have operated in the North Rialto area. Thus, there may be opportunities to cooperate with other entities to implement joint investigations or to propose solutions that would address the water supply problem. In fact, we believe it would be both scientifically effective and economically efficient for the suspected dischargers subject to these directives to jointly pursue the investigation and to explore water supply replacement options. Further, consistent with the Board's direction, we recommend that the joint efforts of the suspected dischargers consider both the characterization of the plume and initiation of water supply replacement or treatment strategies. Board staff has experience in managing similar joint investigations and cooperative solutions and we are available to discuss these further with you. If you are interested in discussing alternative options for complying with this directive, please contact us to arrange a meeting.

If you have any questions about this letter, please contact Kamron Saremi at (909) 782-4303, or you may call Ann Sturdivant, Chief of our Spills, Leaks, Investigations and Cleanups Section, at (909) 782-4904.

Sincerely,

Gerard J. Thibeault
Executive Officer



Attachments:

1. Well Location Map, showing perchlorate contamination in municipal water supply wells.
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4. Plot Plan showing the former configuration of the storage bunkers, and list of tenants and lessors using the bunkers.
5. Excerpt from "Pyro Spectaculars by Souza" internet site, indicating the Souza family history of fireworks storage, handling, and manufacturing at the Rialto facility.
6. Business records documenting the use and disposal of perchlorate by Pyro Spectaculars (and its corporate divisions).
7. Mailing List.

cc w/out attachments:

Regional Board

Jorge Leon, Office of Chief Counsel, SWRCB

Phillip Blum, DTSC, Glendale Office

Inland Empire Perchlorate Regulatory Task Force (mailing list attached)

Chris Conley, Aerojet – a subsidiary of GenCorp, Sacramento, California

Ken Miller, County of San Bernardino Department of Public Works

Katharine Wagner - Downey Brand Seymour & Rohwer, LLP, representing American Promotional Events – West, Inc.

Peter Duchesneau - Manatt, Phelps & Philips, representing Goodrich Corporation

Charles Whisonant, representing Denova Environmental

Allen Curlee, Office of the District Counsel, U.S. Army Corps of Engineers, Sacramento

AES/Data/SLIC/Rialto perchlorate 01-02/13267/pyrospectaculars

